

1 ROB BONTA, State Bar No. 202668
Attorney General of California
2 ANYA BINSACCA, State Bar No. 189613
Supervising Deputy Attorney General
3 KRISTIN A. LISKA, State Bar No. 315994
Deputy Attorney General
4 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
5 Telephone: (415) 510-3916
Fax: (415) 703-5480
6 E-mail: Kristin.Liska@doj.ca.gov
Attorneys for Defendant
7

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
10 FRESNO DIVISION
11

12 **RIGHT TO LIFE OF CENTRAL
CALIFORNIA,**

13 Plaintiff,

14 v.
15

16 **ROB BONTA, in his official capacity as
Attorney General of the State of California,**

17 Defendant.
18

Case No. 1:21-cv-01512-ADA-SAB

**STIPULATION REGARDING FINAL
JUDGMENT ENTERING PERMANENT
INJUNCTION, AWARDED
ATTORNEY'S FEES AND DISMISSING
ACTION**

Judge: The Honorable Ana I. de Alba

Action Filed: 10/13/2021
19
20
21
22
23
24
25
26
27
28

1 Plaintiff Right to Life of Central California and Defendant Rob Bonta, Attorney General of
2 the State of California, sued in his official capacity, agree and stipulate as follows:

3 1. In October 2021, Plaintiff filed the complaint in this case against Defendant,
4 challenging SB 742. SB 742 makes it “unlawful to knowingly approach within 30 feet of any
5 person while a person is within 100 feet of the entrance or exit of a vaccination site and is seeking
6 to enter or exit a vaccination site, or any occupied motor vehicle seeking entry or exit to a
7 vaccination site, for the purpose of obstructing, injuring, harassing, intimidating, or interfering
8 with that person or vehicle occupant.” SB 742 defines “harassing” as “knowingly approaching,
9 without consent, within 30 feet of another person or occupied vehicle for the purpose of passing a
10 leaflet or handbill to, displaying a sign to, or engaging in oral protest, education, or counseling
11 with, that other person in a public way or on a sidewalk area.” Plaintiff contends that SB 742
12 violates its rights under the First and Fourteenth Amendments to the U.S. Constitution.

13 2. Shortly after filing suit, plaintiff filed a motion for a temporary restraining order.
14 Following a hearing, this Court granted a temporary restraining order on October 30, 2021,
15 concluding that plaintiff was likely to succeed in its claim that SB 742 violates the First
16 Amendment. The Court tailored its order solely to enjoin enforcement of SB 742’s prohibition on
17 approaching within 30 feet of a person for the purpose of “harassing,” which the statute defines as
18 including “oral protest” or displaying a sign to that person—unless that oral protest or sign is
19 about a labor dispute. The Court found this provision severable from the remainder of SB 742.

20 3. Plaintiff thereafter filed a motion for a preliminary injunction. This Court granted the
21 motion on July 6, 2022 and entered a preliminary injunction with the same scope as its temporary
22 restraining order.

23 4. This case is one of three cases brought challenging SB 742 on the basis that it is a
24 violation of the First Amendment. In one of the other two cases, *Aubin v. Bonta*, No. 21-cv-
25 07938, the district court entered judgment on March 29, 2023. The *Aubin* court held that SB
26 742’s prohibition on approaching for the purpose of “harassing” as defined in the statute violates
27 the First Amendment. It further held that this prohibition was severable from SB 742’s
28 prohibition on approaching for the purposes of intimidating, injuring, interfering with, or

1 obstructing access. The *Aubin* court entered final judgment for plaintiffs and permanently
2 enjoined Defendant Attorney General Bonta from enforcing SB 742's prohibition on approaching
3 for the purpose of "harassing" as defined in the statute. The time in which to appeal that
4 judgment has expired, and the Attorney General, the defendant in the *Aubin* matter, has not
5 appealed.

6 5. Although Defendant does not concede the unconstitutionality of SB 742, Defendant
7 and Plaintiff wish to resolve this matter now in light of the judgment and permanent injunction
8 entered by the *Aubin* court. The parties hereby consent to entry of a judgment in favor of
9 Plaintiff, and to the entry of a permanent injunction and order of dismissal in the form submitted
10 along with this stipulation.

11 6. Entry of the stipulated permanent injunction and order of dismissal will fully resolve
12 this civil action.

13 7. The stipulated permanent injunction will be entered under Federal Rule of Civil
14 Procedure 65 and will constitute the final judgment in this matter.

15 8. Defendant shall pay Plaintiff the sum of \$192,706 for Plaintiff's reasonable attorney's
16 fees and costs necessarily incurred in this case.

17 ///
18 ///
19 ///

1 9. This Court should retain jurisdiction over this matter for the purpose of implementing
2 and enforcing the final judgment.

3
4
5 Dated: August 29, 2023

Respectfully submitted,

ROB BONTA
Attorney General of California
ANYA BINSACCA
Supervising Deputy Attorney General

/s/ Kristin Liska

KRISTIN A. LISKA
Deputy Attorney General

Attorneys for Defendant

6
7
8
9
10
11
12 Dated: August 29, 2023

ALLIANCE DEFENDING FREEDOM

/s/ Kevin H. Theriot

13
14
15 KEVIN H. THERIOT*
16 DENISE M. HARLE*
17 CHRISTIANA KIEFER

*Attorneys for Plaintiff Right to Life of
18 Central California*

19 *Admitted Pro Hac Vice
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

Case Name: ***Right to Life of Central California v. Rob Bonta***

Case No.: **1:21-cv-01512-ADA-SAB**

I hereby certify that on August 31, 2023, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

- **STIPULATION REGARDING FINAL JUDGMENT ENTERING PERMANENT INJUNCTION, AWARDING ATTORNEY'S FEES, AND DISMISSING ACTION**
- **[PROPOSED] ORDER REGARDING PERMANENT INJUNCTION**

I certify that **all** participants in the case are registered CM/ECF users and that service will be electronically accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct.

Executed on August 31, 2023, in San Francisco, California.



Vanessa Jordan, Declarant